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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,651	11/02/2000	Pierre Bernas	198944US	1241
22850	7590	05/17/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DUONG, DUC T	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/673,651

Applicant(s)

BERNAS ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Morales et al (US Patent 4,847,837).

Regarding to claim 15, Morales discloses a network 10 for distributing information between a central unit 30 and stations 16 (fig. 1), comprising information splitting devices 18 with inputs/outputs connected to the central unit 30 and to the stations 16, an interface device 20-22 in each stations 16, wherein the interface device 20-22 of each station 16 is linked to a first splitting device 18 and to a second splitting device 18 (fig. 1 col. 2 lines 44-54; noted the first and second splitting devices belong to LAN 1 and LAN 2, respectively), and the plural interface devices 20-22 are mounted in cascade on a link starting from the splitting device (fig. 1; shown interface devices 20-22 are connect in series starting anu splitting devices 18 on LAN 1 or LAN 2).

Regarding to claim 16, Morales discloses a means for detecting a fault relating to a problem on a link between this interface device 20-22 and the first or the second splitting device 18 (col. 2 lines 59-63).

Regarding to claim 17, Morales discloses the means for detecting faults comprises means for mutual acknowledgement with the central unit 30 (col. 8 lines 2-7).

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Regarding to claim 18, Morales discloses a device for switching over from the first splitting device to the second splitting device (col. 7 lines 61-63; switch from switching device 18 on LAN 1 to switching device 18 on LAN 2).

Regarding to claim 19, Morales discloses the switching device is in the central unit 30 (col. 7 lines 57-61).

Regarding to claim 20, Morales discloses a link between a splitting device and an interface device is effect with a cable having two twisted conductors (col. 2 lines 45-47).

Regarding to claim 21, Morales discloses a splitting device (splitting device 18 on LAN 1 or LAN 2) is linked by a link to one of its inputs/outputs to a single special interface 20-22 (NET 1 or NET 2 of internet router 24), this special interface device 20-22 being linked by another link connected to another input/output of another splitting device (fig. 1 col. 2 lines 51-58).

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morales in view of Adams (U.S. Patent 5,142,532).

Regarding to claim 22, Morales discloses all the limitation with respect to claim 15, except for the splitting device capable of supporting a bit rate greater than a nominal bit rate. However, Adams discloses a broadband communication system with splitter operating at bit greater then nominal bit rate (Fig. 1 col. 2 lines 12-29). Thus, it would have been obvious to a person of ordinary skill in the art to employ a splitting device as taught by Adams in Morales's system for operating at a greater than a nominal bit rate. The motivation to do so would have been to provide higher capacities to be delivered to customers.

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4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morales in view of Suzuki (U.S. Patent 4,884,263).

Regarding to claim 23, Morales discloses all the limitation with respect to claim 15, except for addresses used to identify elements of the network comprises fields of which a first field makes it possible to identify a group of stations connected so splitting device identified by a second field and that a modification of a value of the second field makes it possible to connect a group of stations to another splitting device. However, Suzuki discloses a packet switched communication network comprising source table storing source terminal addresses (field identifying group of stations) and source switching nodes (field identifying splitting device), wherein upon in the event of a failure in a transmission path the source table switch to free-trouble transmission path (switch to another splitting device), see Fig. 4 col. 4 lines 58-66. Thus, it would have been obvious to a person of ordinary skill in the art to employ a source table as taught by Suzuki in Morales's system for switching from a fault or failure transmission path to a free trouble transmission path. The motivation to do so would have been establish a transmission path through which message packets can be transmitted to its destination even if an abnormal condition occurs in the transmission path.

***Allowable Subject Matter***

5. Claims 1-14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step of or means for **“the interface device of each station is linked to a first splitting device and to a**

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**second splitting device by the interface device of at least one additional station",** when such interface device is considered within the specific structure of the device recited in claim 1. The prior art of record fails to teach or make obvious the step of or means for **"N splitting devices are linked, according to a star topology, to a central unit with the aid of transport means over each of which a primary stream travels, to a splitting device of rank m there corresponds a primary stream  $FP_m$ ",** when such splitting devices are considered within the specific structure of the device recited in claim 11.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD

  
RICKY NGO  
PRIMARY EXAMINER